

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER _____
07-02

FOR: WAIVER OF HOURS OF SERVICE REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING PROPANE GAS

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, extreme weather conditions have caused a spike in the demand for the delivery of residential and commercial propane across Indiana;

WHEREAS, the long range forecast is for an additional two weeks of below normal temperatures with additional snowfall predicted in the next few days;

WHEREAS, the continued cold weather and impediments to delivery, such as the snowfall earlier this week, are slowing the marketers' ability to deliver propane to customers in need;

WHEREAS, the propane companies must meet the demands of current customers, "will call" customers, and LIHEAP customers who are demanding delivery before their tanks run empty and they are left without heat;

WHEREAS, under IC 8-2.1-24-18, the "hours of service" requirements of 49 C.F.R. § 395 apply to the drivers of commercial motor vehicles operating in this State;

WHEREAS, the Indiana Propane Gas Association has requested relief from the "hours of service" regulations for motor carriers operating in intrastate commerce, set forth in IC 8-2.1-24-18, to allow the propane marketers across the state to meet the required deliveries to provide heat to Hoosiers; and

WHEREAS, under IC 10-14-3-12, the governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, pursuant to IC 10-14-3-12, do hereby declare that a disaster emergency exists and order that:

1. Motor carriers and drivers transporting propane in Indiana are exempt from regulations restricting their hours of service during this disaster emergency. This exemption is effective from the time of the issuance of this Order until February 22, 2007, unless further extended by order of the Governor.
2. Nothing contained in this declaration shall be construed as an exemption from any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.



Todd Rokita
ATTEST:
Todd Rokita
Secretary of State

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 9th day of February, 2007.

M E Daniels, Jr.
Mitchell E. Daniels, Jr.
Governor of Indiana